

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 13650 of 2014 (E)

PETITIONER(S):

1. AJESH.O.V.  
OLAMADATHIL HOUSE, PAPPLASSERY, KENICHIRA  
VALAVAYAL P.O., WAYANAD-673 596. 9496810647.
2. RAJI E.D.  
EDAKKATTE HOUSE, MADAKKARA, SULTHAN BATHERY  
NENMENI P.O., WAYANAD - 673 592, 9048132368
3. SHINU THOMAS  
KALARTHOTTIYIL, KAYAKUNNU, WAYANAD-670 721  
9995911308.
4. SAJIT.K. KUTTIYIL  
EDAKULAM, KOZHIKODE-673 306, 9946699800.
5. RAJESH N.K.  
PAVAKANDYTHAZHA HOUSE, P.O.ULLIYERY, KOILANDY  
KOZHIKODE-673 620.
6. DINESH K.K.  
OTTAPILAKKOOL HOUSE, KARUMALA P.O., BALUSSERY VIA  
KOZHIKODE-673 612. 9539494026.
7. SABEESH C.K.  
CHETTIANKANDY, ULLIYERY P.O.,  
KOZHIKODE-673 620. 9048144007.

BY ADVS.SRI.ELVIN PETER P.J.  
SRI.T.G.SUNIL (PRANAVAM)

RESPONDENT(S):

1. KERALA STATE ROAD TRANSPORT CORPN.  
REPRESENTED BY ITS MANAGING DIRECTOR, FORT  
THIRUVANANTHAPURAM-695 022.

: 2 :

2. THE MANAGING DIRECTOR  
KERALA STATE ROAD TRANSPORT CORPORATION, FORT  
THIRUVANANTHAPURAM-695 022.

3. KERALA PUBLIC SERVICE COMMISSION  
REPRESENTED BY ITS SECRETARY, PATTOM  
THIRUVANANTHAPURAM-695 004.

R1 & 2 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,KSRTC

R3 BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC

R1 & 2 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

R BY SRI.M.SASINDRAN, SC, PALAKKAD DIST.CO.OP.BANK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF NOTIFICATION PUBLISHED IN THE KEALA GAZETTE DATED 17/6/2008.
- EXT.P2. TRUE COPY OF SHORT LIST PUBLISHED IN MATHRUBHUMI THOZILVARTHA DATED 15/12/2012 BY THE 3RD RESPONDENT
- EXT.P3. TRUE COPY OF SHORT LIST PUBLISHED BY THE 3RD RESPONDENT IN ITS WEBSITE AS PER NOTIFICATION DATED 30/11/2012.
- EXT.P4. TRUE COPY OF MEMO ISSUED BY THE 3RD RESPONDENT TO THE 6TH PETITIONER
- EXT.P5. TRUE COPY OF MEMO ISSUED BY THE 3RD RESPONDENT TO THE 7TH PETITIONER
- EXT.P6. TRUE COPY OF EXPERIENCE CERTIFICATE OF THE 1ST PETITIONER ISSUED BY THE DISTRICT TRANSPORT OFFICER, KSRTC, SULTHAN BATHERY.
- EXT.P7. TRUE COPY OF EXPERIENCE CERTIFICATE OF THE 2ND PETITIONER ISSUED BY ASST.LABOUR OFFICER, SULTHANBETHERY.
- EXT.P8. TRUE COPY OF EXPERIENCE CERTIFICATE OF THE 3RD PETITIONER ISSUED BY THE DISTRICT TRANSPORT OFFICER, KSRTC, SULTHAN BATHERY.
- EXT.P9. TRUE COPY OF EXPERIENCE CERTIFICATE OF THE 4TH PETITIONER ISSUED BY ASST.LABOUR OFFICER, KOYILANDY.
- EXT.P10. TRUE COPY OF EXPERIENCE CERTIFICATE OF THE 5TH PETITIONER ISSUED BY ASST.LABOUR OFFICER, KOYILANDY.
- EXT.P11. TRUE COPY OF EXPERIENCE CERTIFICATE OF THE 6TH PETITIONER ISSUED BY ASST.LABOUR OFFICER, KOYILANDY.
- EXT.P12. TRUE COPY OF EXPERIENCE CERTIFICATE OF THE 7TH PETITIONER ISSUED BY ASST.LABOUR OFFICER, KOYILANDY.
- EXT.P13. TRUE COPY OF LIST OF CANDIDATES WHO WERE DECLARED AS DISQUALIFIED BY THE 3RD RESPONDENT FOR APPOINTMENT TO THE POST OF PAINTER GR.II PURSUANT TO EXT.P1, NOTIFICATION PUBLISHED IN ITS WEBSITE DOWNLOADED BY THE PETITIONERS.

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: 2 :

EXT.P14. TRUE COPY OF RANK LIST FOR THE POST OF PAINTER GR.II  
PUBLISHED BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.  
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*//True copy//*

*P.S. to Judge.*

V.CHITAMBARESH, J.

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W.P (C) No.13650 of 2014  
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Dated this the 27<sup>th</sup> day of July, 2015

J U D G M E N T

The writ Petition relates to the recruitment to the post of Painter Grade II in the Kerala State Road Transport Corporation. The requisite qualification to apply for the post is expertise in painting and 5 years experience in painting. The conditions are stipulated in Ext.P1 notification and Part II of the General conditions also forms part of the same.

2. Petitioners 1, 3 and 4 have evidently failed to qualify as per the counter affidavit filed by the third respondent. The rejection of the applications put in by the petitioners 2, 5, 6 and 7 are alone canvassed now at the time of hearing. The following are the details of the experience gained by petitioners 2, 5, 6 and 7.

| Petitioners | Experience Certificate | Period                |
|-------------|------------------------|-----------------------|
| Second      | Ext.P7                 | 12.7.2002 - 12.7.2007 |
| Fifth       | Ext.P10                | May 2002 to 2012      |
| Sixth       | Ext.P11                | 3.4.2003 - 20.6.2008  |
| Seventh     | Ext.P12                | 1.3.1998 - 31.12.2003 |

3. It is evident that the services put in by the petitioners are continuous and not of casual

nature. It cannot be said that the petitioners were casual labourers for over 5 years. A reading of the experience certificates reflect that the period of service was continuous. The mere fact that the term 'casual' was incorporated in the earlier part of the experience certificates does not mitigate its value.

4. The respondents are therefore directed to include the petitioners in Ext.P14 rank list. The same shall however be done without affecting the seniority of those who are already included.

The writ Petition is disposed of.

Sd/-  
V.CHITAMBARESH,  
Judge.

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